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FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER JOHNSON, GREGORY L	
			ART UNIT 3691	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/730,228	<b>Applicant(s)</b> AKIALIS ET AL.	
	<b>Examiner</b> GREGORY JOHNSON	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This communication is in response to the amendment filed September 2, 2008

#### ***Status of Claims***

2. Claims 1-30 have been amended and are pending.

#### ***Response to Arguments***

3. Applicant's arguments filed September 2, 2008 have been fully considered but they are not persuasive.

Applicants argue (page 16, last ¶) that the Bryne reference fails to teach that an electronic notification is provided to a payor from a website of a biller without disclosing that authorization was obtained by anyone other than the biller and that an electronic notification is formatted in a predefined format specified by a biller such that the electronic notification appears, to the consumer, to be generated by the biller.

**Response:** (1) The limitation “an electronic notification is provided to a payor from a website of a biller without (i.e. not) disclosing that authorization was obtained by anyone other than the biller” will be examined first. To not teach this limitation would imply that the alternative has to occur, which would be “disclosing that authorization was obtained by anyone other than the biller.” Since the Dominguez reference is silent in regards to “disclosing that authorization was obtained by anyone other than the biller”; the Dominguez reference, in essence, teaches “not disclosing that authorization was obtained by anyone other than the biller.” (2) In regards to the limitation “an electronic notification is formatted in a

predefined format specified by a biller such that the electronic notification appears, to the consumer, to be generated by the biller. Friedman teaches a method in which an entity, other than the vendor (i.e. biller), uses the fonts, logos and background (i.e. look and feel of a vendor's web page = predefined format) to provide a user (e.g. payor) with a web page that gives the user the impression that are still at the vendor's web site (i.e. web page generated by the biller). Dominguez discloses that the merchant may send an order confirmation message to the cardholder's (i.e. payor's) browser. The Dominguez and Friedman combination discloses and teaches the limitations of independent claims 1, 13-16 and 20. Independent claims 18-19 include similar limitations to those recited in claim 1, and are therefore rejected under similar grounds (see rejections below for slight differences). Accordingly, the rejections under § 103(a) are maintained.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 24, the phrase "authorization for credit/debit card payments" at the end of the claim is ambiguous because of the use of a slash (i.e. does the slash represent "and" or "or"?). For examination purposes, the Examiner will interpret the

phrase as “authorization for credit card or debit card payments”. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-4, 11-17, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez et al., Pub. No. 2002/0194138 (hereinafter Dominguez), in view of Friedman et al., Pub. No. 2003/0208556 (hereinafter Friedman).

As to claims 1 and 13-14, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (¶0068), wherein the information identifies:

Art Unit: 3691

- a payor (e.g. cardholder name; ¶0050),
- an amount to be paid (e.g. payment amount; ¶0066),
- an account to be used to make a payment (e.g. card account number; ¶0066),
- a credit card number or a debit card number (e.g. card account number; ¶0066), and
- a verification code for the credit card number or the debit card number (e.g. cardholder verification value 2 (CVV2); ¶0053 and ¶0068);
- editing the information sent by the biller and returning edit failure information to the consumer and the biller if editing fails (e.g. the issuer financial institution processing of the authorization transaction; ¶0068);
- if the editing does not fail, determining whether the payment should be authorized at least partially based on whether the verification code is correct (e.g. the issuer financial institution will either authorize or decline the transaction; ¶0068);
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068); and
- sending an electronic notification to the payor that the payment has been authorized, wherein electronic notification is provided to the payor from a

website of the biller without disclosing that the authorization was obtained by anyone other than the biller (e.g. the merchant may send an order confirmation message to the cardholder's browser; ¶0034). Dominguez is silent as to disclosing who the authorization was obtained from, thereby teaching the element of "without disclosing that the authorization was obtained by anyone other than the biller."

Dominguez does not disclose the following element:

- wherein the electronic notification is formatted in a predefined format (e.g. logos, font characteristics, etc) specified by the biller such that the electronic notification appears, to the consumer, to be generated by the biller.

However, Friedman teaches a method and apparatus for electronic commerce in which a web server is able to present to a network user a web page (i.e. electronic document) that appears to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (¶0071).

Dominguez discloses that a merchant may send an order confirmation message to the cardholder's browser and Friedman teaches a method in which a server that is

Art Unit: 3691

not a vendor's server can send a message that emulates the look and feel of a vendor's web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, to include the method of having a server other than the merchant's server send the confirmation message in such a way that the cardholder would have the impression that the confirmation message (i.e. web page) was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claims 2-3, Dominguez does not disclose the following limitations; however Friedman teaches the limitations:

- storing format information for each of a plurality of billers (e.g. stores within a database 280, particularly tables 436 and 434, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site; ¶0071);



- retrieving format information for a biller to whom authorization is sent (§0071); and
- formatting the electronic notification based on the retrieved format information (§0071); and
- wherein the received information includes an e-mail address for the payor, and wherein sending the electronic notification includes sending the electronic notification in the form of an e-mail directly to the payor through the worldwide web (e.g. User Email field 904 represents the email address of the user who has bought items at the vendor's web site; §0080 and §0083).

Dominguez discloses that a merchant may send an order confirmation message to the cardholder's browser and Friedman teaches a method in which a server that is not a vendor's server can send a message that emulates the look and feel of a vendor's web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, to include the method of having a server other than the merchant's server send the confirmation message in such a way that the cardholder would have the impression that the confirmation message (i.e. web page) was sent by the merchant as taught by Friedman, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one

Art Unit: 3691

of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claim 4, Dominguez discloses the following limitations;

- wherein determining whether the payment should be authorized includes at least one of determining whether the payment will exceed the credit limit of the payor's credit card, determining whether the payment will exceed the credit limit of the payor's debit card, or validating the payor's bank account (e.g. Cardholder authentication information includes information such card account number and account balance; ¶0050),

As to claims 11-12, Dominguez discloses the following limitation:

- providing a preliminary calculation of fees to the customer in response to supplying the amount and a means of payment (¶0245); and
- receiving, from the biller, a plurality of accumulated payments to be authorized in a batch by means of a function call (e.g. authorization messages can be batched and sent in a group at a later time; ¶0068)

As to claim 15, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (§§0068), wherein the information identifies:
  - a payor (e.g. cardholder name; §§0050),
  - an amount to be paid (e.g. payment amount; §§0066),
  - an account to be used to make a payment (e.g. card account number; §§0066),
  - a credit card number or a debit card number (e.g. card account number; §§0066),
  - a verification code (e.g. cardholder verification value 2 (CVV2); §§0053 and §§0068);
- determining whether the payment should be authorized at least partially based on whether the verification code is correct (e.g. the issuer financial institution will either authorize or decline the transaction; §§0068);
- transmitting, through the worldwide web to a website of the biller, authorization information authorizing the payment or refusing authorization (e.g. The issuer then returns the authorization response via the payment network to the merchant; §§0068); and
- sending an electronic notification to the payor that the payment has been authorized, wherein electronic notification is provided to the payor from a

website of the biller without disclosing that the authorization was obtained by anyone other than the biller (e.g. the merchant may send an order confirmation message to the cardholder's browser; ¶0034). Dominguez is silent as to disclosing who the authorization was obtained from, thereby teaching the element of "without disclosing that the authorization was obtained by anyone other than the biller."

Dominguez does not disclose the following elements:

- wherein the electronic notification is formatted in a predefined format (e.g. logos, font characteristics, etc) specified by the biller such that the electronic notification appears, to the consumer, to be generated by the biller;
- storing, in connection with the authorization website, format information for each of a plurality of billers;
- retrieving format information for a biller to whom authorization is sent; and
- formatting the electronic notification in the format of the biller to whom authorization is sent.

However, Friedman teaches a method and apparatus for electronic commerce in which a web server is able to present to a network user a web page (i.e. electronic document) that appears to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos,

and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (§0071).

Dominguez discloses that a merchant may send an order confirmation message to the cardholder's browser and Friedman teaches a method in which a server that is not a vendor's server can send a message that emulates the look and feel of a vendor's web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, to include the method of having a server other than the merchant's server send the confirmation message in such a way that the cardholder would have the impression that the confirmation message (i.e. web page) was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claim 16, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (§0068), wherein the information identifies:

- a payor (e.g. cardholder name; ¶0050),
- an amount to be paid (e.g. payment amount; ¶0066),
- an account to be used to make a payment (e.g. card account number; ¶0066);
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068);
- sending an electronic notification to the payor that the payment has been authorized, wherein electronic notification is provided to the payor from a website of the biller without disclosing that the authorization was obtained by anyone other than the biller (e.g. the merchant may send an order confirmation message to the cardholder's browser; ¶0034). Dominguez is silent as to disclosing who the authorization was obtained from, thereby teaching the element of “without disclosing that the authorization was obtained by anyone other than the biller”;
- assigning an identification number for each transaction for a given the biller (e.g. The payment response message contains a card authorization verification value (CAVV), to inform the merchant that the cardholder has been authenticated; ¶0068 and ¶0103); and
- transmitting the identification number to the biller (¶0103).

As to claim 17, Dominguez discloses the following limitation:

- assigning an identification number for each transaction for each biller of a plurality of billers (e.g. The payment response message contains a card authorization verification value (CAVV), to inform the merchant that the cardholder has been authenticated; ¶0068 and ¶0103);
- storing the identification numbers (¶0103); and
- transmitting the identification numbers associated with one of the billers to the biller in a report of transactions associated with the biller during a specified period of time (¶0103).

As to claim 20, Dominguez discloses a system for authorizing one or more bill payments, the system comprising:

- an authorization web server programmed for selective communication through the worldwide web with a plurality of billers' web servers (e.g. issuer's authorization & settlement system; ¶0036 and Fig. 1);
- a programmed digital computer system linked to the authorization web server to obtain authorization information from financial institutions authorizing or rejecting payment requests received at the billers' web servers from payors' computers through the worldwide web and communicating authorization information to the appropriate billers' web servers by the use of web services programming (¶0032-0036 and Fig. 1);

Art Unit: 3691

- the programmed digital computer system being programmed to edit information relating to payment requests received at the billers' web servers from payors' computers through the worldwide web (§0068).

Dominguez does not disclose the following element:

- the programmed digital computer system being programmed to send, directly to the payor's computer originating the payment request, an e-mail containing the authorization information, wherein said e-mail is formatted in a predefined format specified by the biller such that the e-mail appears, to the consumer, to be generated by the biller.

Friedman teaches a method and apparatus for electronic commerce in which a web server is able to present to a network user a web page (i.e. electronic document) that appears to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the "look and feel" of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (§0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; §0058 and §0071).



Dominguez discloses that a merchant may send an order confirmation message to the cardholder's browser and Friedman teaches a method in which a server that is not a vendor's server can send a message that emulates the look and feel of a vendor's web page. Friedman also teaches that the web server (i.e. not the vendor's server) is also an email server. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, to a method of having a server other than the merchant's server send an e-mail message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant; since the claimed invention is merely a combination of old elements (i.e. sending confirmation message that looks as if the vendor generated the message) and a substitution of old elements (i.e. email message vs. electronic message to cardholder's browser), and in the combination/substitution each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

As to claim 24, Dominguez discloses the following limitation:

- wherein the computer system is programmed to demand that credit card or debit card verification codes be submitted with any credit card or debit card payment requests, and to use the verification codes with other credit

card information to protect against fraud in obtaining authorization for credit/debit card payments (§0053).

9. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez and Friedman as applied to claim 1 above, and further in view of Ensel et al., Pat. No. 6,493,685 (hereinafter Ensel).

As to claim 5, Dominguez does not disclose the following limitations:

- wherein determining whether the payment should be authorized includes, in a request for payment from a bank account:
- communicating authorization;
- submitting the transaction for bank clearance after authorization;
- and communicating clearance failure to the biller if and when clearance failure is received.

However, Ensel teaches that in a method for an electronic account presentation and response system there is a process for accepting a payment from a bank account. Ensel teaches that the system generates an ACH debit to the customer to debit the account identified by the customer, and also credits the biller in the amount debited from the customer. If later the ACH does not clear, after two attempts, the system will debit the account of the biller. At this time, it is the responsibility of the biller to start a collection process against the customer (column 17, line 41 thru column 18, line 18). It would have been obvious to one of ordinary skill in the art at the time of Applicant's

invention to include in the online account authentication service as disclosed by Dominguez, the method for presenting electronic bills to consumers and for processing consumer payments (col. 1, lines 5-11) as taught by Ensel, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept. 2007).

As to claim 6, Dominguez discloses the following limitation:

- accumulating a plurality of payment requests over a period of time; and submitting the accumulated plurality of payment requests for clearance in a batch (e.g. authorization messages can be batched and sent in a group at a later time; ¶0068).

**10.** Claims 7-8, 10, 21-22 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez and Friedman as applied to claims 1, 13-16 and 20 above, and further in view of Byrne et al., Pub. No. 2003/0229590 (hereinafter Byrne).

As to claims 7-8, 10, 21-22 and 26-29, Dominguez does not disclose the following limitations; however, Byrne teaches the limitations:

- pre-authorizing a given customer and a given credit card or debit card based on cardholder information; and sending the pre-authorization

information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from a consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction (§0045);

- reversing a payment authorization at a request of the biller, wherein the request of the biller is provided prior to an end of a business day, and wherein the authorization was given during the same business day; and notifying at least one bank or credit card organization to whom the payment authorization was communicated (e.g. credit or void; §0041-0042 and §0105);
- receiving from a biller at least one of restrict or unrestrict instructions for an account of one or more customers; storing the instructions in association with the authorization website; and retrieving and implementing the instructions upon receipt of a payment request for the account (e.g., reject orders from certain e-mail accounts or credit cards; §0149);
- wherein said authorization information is sent to the payor's computer and the biller's web server substantially simultaneously (e.g. complex schema that contains the URL to post transaction response information back to the merchant and for sending confirmation e-mails; §0107);
- wherein information regarding a format desired for communications to consumers on behalf of each of a plurality of billers is stored and retrieved

to format the e-mail sent to the payor in a format desired by the biller whose bill is being paid (§0092-0093 and Table 1); and

- first pre-authorizing a given customer and a given credit card or debit card based on cardholder information; and sending the pre-authorization information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from a consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction (§0045).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Byrne within Dominguez for the motivation to provide a payment platform that can incorporate new technologies to provide a secure, reliable and flexible payment transaction processing solution for financial organizations and the sellers that they serve to reduce risk and improve profitability for those financial organizations that adopt it (§0009).

**11.** Claim 9 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez and Friedman as applied to claim 1 above, and further in view of Byrne and Jamison et al., Pub. No. 2003/0191711 (hereinafter Jamison).

As to claim 9, Dominguez does not disclose the following limitations; however Byrne teaches the following limitations:

- storing, at said authorization website, basic billing information for each of a plurality of customers of a biller (e.g. customer's credit card information is stored at the integrated payment system 50; ¶0028 and ¶0045);
- providing the biller with access to the billing information for each of the customers (¶0045); and
- allowing the biller to modify the accessed billing information directly (¶0045).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Byrne within Dominguez for the motivation to provide a payment platform that can incorporate new technologies to provide a secure, reliable and flexible payment transaction processing solution for financial organizations and the sellers that they serve to reduce risk and improve profitability for those financial organizations that adopt it (¶0009).

Neither Dominguez nor Bryne discloses or teaches the following limitation; however Jamison teaches the limitation:

- giving a customer access to customer's associated billing information (e.g. customer can modify the information contained in the payment account; ¶0212).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Jamison

within the Dominguez and Bryne combination for the motivation to provide a technique for paying bills to any biller website that permits online payment of a bill by an electronic bill presentment and payment ("EBPP") systems (§0003 and §0025).

**12.** Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, in view of Friedman and Mersky et al., Pat. No. 6,119,106 (hereinafter Mersky).

As to claim 18, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (§0068), wherein the information identifies:
  - a payor (e.g. cardholder name; §0050),
  - an amount to be paid (e.g. payment amount; §0066),
  - an account to be used to make a payment (e.g. card account number; §0066),
- determining whether the payment should be authorized (e.g. the issuer financial institution will either authorize or decline the transaction; §0068);
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or

refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068);

- sending an electronic notification to the payor that the payment has been authorized, wherein electronic notification is provided to the payor from a website of the biller without disclosing that the authorization was obtained by anyone other than the biller (e.g. the merchant may send an order confirmation message to the cardholder's browser; ¶0034). Dominguez is silent as to disclosing who the authorization was obtained from, thereby teaching the element of “without disclosing that the authorization was obtained by anyone other than the biller.”

Dominguez does not disclose the following element:

- wherein the electronic notification is formatted in a predefined format (e.g. logos, font characteristics, etc) specified by the biller such that the electronic notification appears, to the consumer, to be generated by the biller.

However, Friedman teaches a method and apparatus for electronic commerce in which a web server is able to present to a network user a web page (i.e. electronic document) that appears to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the “look and feel” of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client



web site and give the network user the impression that he/she is still connected to the vendor's web site (¶0071).

Dominguez discloses that a merchant may send an order confirmation message to the cardholder's browser and Friedman teaches a method in which a server that is not a vendor's server can send a message that emulates the look and feel of a vendor's web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, to include the method of having a server other than the merchant's server send the confirmation message in such a way that the cardholder would have the impression that the confirmation message (i.e. web page) was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

Dominguez also does not disclose the following elements:

- one or more billing personnel responsible for bills;
- storing the information identifying billing personnel; and
- reporting the information identifying the billing personnel to the biller when reporting the authoritarian authorization results.

However, Mersky teaches a method and apparatus (i.e. system) for facilitating customer payments to creditors from a remote site, where transaction files include a

Art Unit: 3691

plurality of records, with each having information pertaining to a particular transaction.

Mersky teaches that the information includes an agent number (column 9, lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Mersky within Byrne for the motivation of creating reports of the daily transactions, for each creditor (e.g. biller), that include all details for each transaction, including the agent responsible for enter the payment into the system (column 10, lines 1-67).

**13.** Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez, in view of Friedman, Mersky and Telford et al., Pub. No. 2003/0130900 (hereinafter Telford).

As to claim 19, Dominguez discloses a method of authorizing one or more bill payments, the method comprising:

- receiving, at an authorization website, information entered by a consumer and sent by a biller through the worldwide web (§0068), wherein the information identifies:
  - a payor (e.g. cardholder name; §0050),
  - an amount to be paid (e.g. payment amount; §0066),
  - an account to be used to make a payment (e.g. card account number; §0066),

Art Unit: 3691

- determining whether the payment should be authorized (e.g. the issuer financial institution will either authorize or decline the transaction; ¶0068);
- transmitting, through the worldwide web to a website of the biller, authorization information including whether to authorize the payment or refuse authorization of the payment (e.g. The issuer then returns the authorization response via the payment network to the merchant; ¶0068);
- determining a correctness of the verification code of a credit card or debit card used in the payment (¶0053 and ¶0068);
- assigning an identification number for each transaction for the biller (e.g. The payment response message contains a card authorization verification value ( CAVV), to inform the merchant that the cardholder has been authenticated; ¶0068 and ¶0103); and
- transmitting the identification number to the biller (¶0103).

Dominguez discloses that the merchant may send an order confirmation message to the cardholder's browser; however, Dominguez does not disclose the following element:

- sending an e-mail to the payor that the payment has been authorized, wherein the e-mail is formatted in a predefined format (e.g. logos, font characteristics, etc) specified by the biller such that the e-mail appears, to the consumer, to be generated by the biller.

Friedman teaches a method and apparatus for electronic commerce in which a web server is able to present to a network user a web page (i.e. electronic document)

Art Unit: 3691

that appears to be an extension of the web site from which the network user was recently connected to. The web server is able to emulate the “look and feel” of a vendor's web page by maintaining in a database, a client identifier and data identifying the appropriate backgrounds, color schemes, font sizes, font styles, font colors, logos, and other graphic or sonic elements etc. which emulate the look and feel of the client web site and give the network user the impression that he/she is still connected to the vendor's web site (¶0071). Friedman also teaches that the web server and an email server can be implemented with applications which execute on the same computer system (i.e. a single computer system performs the functions of a web server and an email server; ¶0058 and ¶0071).

Dominguez discloses that a merchant may send an order confirmation message to the cardholder's browser and Friedman teaches a method in which a server that is not a vendor's server can send a message that emulates the look and feel of a vendor's web page. Friedman also teaches that the web server (i.e. not the vendor's server) is also an email server. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the element of sending an order confirmation message to the cardholder's browser as disclosed by Dominguez, to include the method of having a server other than the merchant's server send an e-mail message in such a way that the cardholder would have the impression that the confirmation message was sent by the merchant, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art

would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).

Dominguez also does not disclose the following element:

- wherein the e-mail is sent to the payor, from a website of the biller, without disclosing that authorization was obtained by anyone other than the biller.

However, Telford teaches an Internet-based system and method for electronically fulfilling purchase orders in which a customer receives an order notification via e-mail after a CSR processes the customer's order and the order has been approved (§0069). Both Dominguez and Telford are silent on disclosing that authorization was obtained by anyone other than the biller, which in essence teaches the element "without disclosing that authorization was obtained by anyone other than the biller." It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Telford within Dominguez for the motivation to provide a means for the sale and purchase of products over the Internet and to make the transaction paperless, i.e. without the use of paper orders or confirmations; and to provide a transaction that is simple, efficient, and cost effective (§0008).

Dominguez also does not disclose the following elements:

- determining an identify of billing personnel responsible for bills; and
- reporting to the biller an identity of the billing personnel with an authorization result.

However, Mersky teaches a method and apparatus (i.e. system) for facilitating customer payments to creditors from a remote site, where transaction files include a plurality of records, with each having information pertaining to a particular transaction. Mersky teaches that the information includes an agent number (column 9, lines 50-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Mersky within Byrne for the motivation of creating reports of the daily transactions, for each creditor (e.g. biller), that include all details for each transaction, including the agent responsible for enter the payment into the system (column 10, lines 1-67).

**14.** Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez and Friedman as applied to claim 20 above, and further in view of Mersky.

As to claim 23, Dominguez does not disclose the following limitation:

- wherein the computer system is programmed to apply a transaction number to each transaction for the biller, store the transaction numbers, and report the transaction numbers to the biller; and
- wherein the computer system is programmed to receive, store, and report to each biller an identity of billing personnel responsible for obtaining the authorized payment authorized.

However, Mersky teaches a method and apparatus (i.e. system) for facilitating customer payments to creditors from a remote site, where each transaction is assigned an identification number and for transactions involving an agent (i.e. billing personnel); the agent number is included in the transaction record, which is stored in a database. Mersky also teaches that the information related to each transaction is communicated to the biller (e.g. creditor; column 9, line 33 thru column 10, line 67; and column 12, lines 10-12). Mersky also teaches that the system receives, stores and reports to each biller (e.g. creditor) the identity of the billing personnel (e.g. agent) responsible for obtaining the payment authorized (column 9, line 33 thru column 10, line 67; and column 12, lines 10-12). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Mersky within Dominguez for the motivation of creating and storing records for each transaction, of each creditor (e.g. biller), where the records contain a plurality details on the particular transaction.

**15.** Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez and Friedman as applied to claim 19 above, and further in view of Byrne.

As to claim 30, Dominguez does not disclose the following limitation; however, Byrne teaches the limitation:

- first pre-authorizing a given customer and a given credit card or debit card based on cardholder information; and sending the pre-authorization

information to the biller prior to receipt of a specific request for authorization of a specific payment charged to said card from a consumer to allow a biller to determine the validity of the card prior to proceeding with a transaction (§0045).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Byrne within Dominguez for the motivation to provide a payment platform that can incorporate new technologies to provide a secure, reliable and flexible payment transaction processing solution for financial organizations and the sellers that they serve to reduce risk and improve profitability for those financial organizations that adopt it (§0009).

### ***Conclusion***

**16.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



Art Unit: 3691

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571)272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691

GREGORY JOHNSON  
Examiner, Art Unit 3691